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THE SWEATING OR THIRD DEGREE SYSTEM

BY HON. WILLIAM F. BAKER,
Police Commissioner of New York City.

After the accused is arrested, the law compels his arraignment before the nearest and most accessible magistrate, which we always comply with. Contrary to the usually accepted notion, there is no physical punishment of any kind whatever inflicted upon the accused. If confined here, his meals are given to him regularly. "The Sweating or Third Degree System" is an imaginary something—derived from the brain of some bright news writer. The only interrogation of an accused person, and he must be one accused of a serious crime, is to ascertain from that person, by examination and questioning, how much he may know of the crime he is accused of committing.

A police officer, conducting an examination of an accused person, if he has any information in his possession which makes him feel morally sure or have grave suspicion that the person before him has committed a crime, must contrive to so place the information before the prisoner, that, if guilty, it will overwhelm him with the idea that more is known than has actually been told to him, thereby in many cases obtaining a confession. Much information is obtained from an accused person by the cleverness with which a police officer can ask questions; also in many instances where from a mere nothing a police officer makes good guesses. But there is absolutely no torture nor punishment, physically or mentally, and nothing except clever arguments and the presentation of facts or correct impressions, thereby convincing an accused person that it is useless for him to withhold any knowledge which he may possess of the crime of which he is accused.

Contrary to the usual ideas of many people, an ignorant person is often harder to obtain a confession from than a person of higher mental caliber. If the policeman conducting the examination or investigation makes strong points during the course of such questioning, an intelligent man has a more receptive mind, not backed up perhaps by strong will-power, every point the officer scores

strikes as forcibly as though struck with a hammer. On the other hand, if an ignorant person has an obstinate disposition, in many instances he may be too stupid to recognize how strong the evidence is against him, and consequently makes no admissions whatsoever. Whether mentally strong or stupid, much depends upon which of the two persons, the accused or the officer conducting the examination, has the stronger will-power.

There is no suggestion whatever of any hypnotic influence, and if there are any police officials or persons having such hypnotic power, we have not heard of them. Nevertheless, no matter what statement or admission an accused person may make he is protected by the law, for the simple reason that no person can be convicted on his own uncorroborated statement. I would also state that, preliminary to the examination of a prisoner, he is informed of his rights under the law and told that he can make a statement or not, as he may see fit, and that anything he may say can be used against him at his trial, if such a trial is held.